



September 22, 2009

The Honorable Christopher C. Conner
Federal Building & U.S. Courthouse
228 Walnut Street, P.O. Box 983
Harrisburg, PA 17108

RE: Dull, Donna et al v. West Manchester Twp Police Dept. et al.
No.: 1:07-CV-00307 (filed 2/16/07)

Dear Judge Conner:

On April 22, 2009, the Court issued an Order setting a pre-trial conference date of Thursday, September 24, 2009. Today, the Court issued an Order rescheduling the Conference to Monday, September 28, 2009. Undersigned counsel contacted the Court via telephone and advised that he would be unable to attend the Conference because he would be out of the office observing Yom Kippur. As a result, the Court issued an Order rescheduling the Conference to Tuesday, September 29, 2009.

While undersigned counsel certainly appreciates the Court's willingness to reschedule the Conference to avoid a religious conflict, the new date again presents a significant problem for defense counsel.

- On Tuesday, September 29, 2009, undersigned counsel will be traveling to Pittsburgh to conduct the deposition of Dr. Cyril Wecht in a death case that is presently pending in the Middle District: Vega, Carlos et al v. Raymond Nestor, et al., No: 4:06-CV-02287;
- On Wednesday, September 30, 2009, undersigned counsel will be in Philadelphia attending the deposition of Dr. Frederick Lieberman in the present matter;
- On Wednesday, September 30, 2009, Frank J. Lavery, Jr., Esquire will be conducting the deposition of Dr. John Shane in Vega, Carlos et al v. Raymond Nestor, et al., No: 4:06-CV-02287;
- On Thursday, October 1, 2009, undersigned counsel will be Elkins Park attending the deposition of Dr. Donald L. Leatherwood, II, in the present matter;
- On Friday, October 2, 2009, undersigned counsel is scheduled to pick a jury in the Schuylkill County Court of Common Pleas in Bauser v. Shenandoah Borough, et al., S-1830 of 2003, which is set for trial starting Wednesday, October 14, 2009; and

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- On Monday, October 5, 2009, the present case is scheduled for trial.

When the Court issued its April Order setting the September 24, 2009, conference date, the date was held on both Mr. Lavery's and undersigned counsel's calendars. The pretrial conference is very important and both Mr. Lavery and undersigned counsel planned to attend and to participate. Therefore, it is respectfully requested that the Conference either be rescheduled back to its original date or that the litigation deadlines be enlarged to prevent prejudice to the West Manchester Township Defendants and other clients of this law firm.

Finally, the Court has ordered that all parties attend the pretrial conference. It is respectfully requested that the Defendant officers not be required to attend the Conference in person, as long as persons with full settlement authority from the respective municipalities are immediately available by telephone.

Thank you for your professional consideration of the above.

Sincerely,

s/Devon M. Jacob

DEVON M. JACOB, ESQUIRE
Counsel for West Manchester Township Defendants

cc: All Counsel of Record via ECF